

REMARKS

Claims 19-32 are pending in the instant application. The Examiner has rejected claims 19-32 under 35 U.S.C. 103(a) as allegedly being unpatentable over Suzuki et al (U.S. Patent No. 6,226,617) in view of Sziklai et al (U.S. Patent No. 6,341,287), and further in view of Fahey (U.S. Patent No. 5,970,476). The Applicants traverse the rejections of claims 19-32 for at least the reasons presented herein. Reconsideration of the rejections is respectfully requested.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a prima facie case of obviousness. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988).

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970).

With respect to Applicants' claims 19 and 26, the prior art references do not teach or suggest all of the claim limitations. None of the references teach or suggest *"a waste stream monitoring module operable for: monitoring production of items produced by a plurality of waste stream providers; and determining an amount of reusable raw materials contained in a plurality of waste streams resulting from said production..."* The Suzuki reference teaches affixing a treatment label to an article that specifies a prescribed manner of treatment for the article upon its disposition and includes information regarding the type of treatment facilities suggested for conducting the

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treatment. The Suzuki reference also teaches a method and means for reading the label, storing the information provided on the label, and, when needed, selecting a proper treatment means and facility for handling the article (col. 2, lines 15-57). The only monitoring recited in the Suzuki reference relates to monitoring the *disposition* treatment (i.e., post-production treatment processes). The monitoring as recited in claims 19 and 26 is directed to the *production* activities relating to an article, and *not its disposition* treatment. The Examiner is kindly directed to col. 4, lines 41-49 which states “a *first treating means* for treating the manufactured article on the basis of a given one treatment procedure selected...a means for *monitoring situation in which the manufactured article is being treated*, a means for extracting treatment procedures serving for a same purpose as the above-mentioned selected treatment procedure *in case it is decided that the above-mentioned treating situation suffers abnormality...*” (emphasis added). The term ‘treatment’ is defined as “*detachment or segregation of all the harmful and hazardous materials/substances and parts from the collected discarded articles* as well as sorting thereof and transfer the resultants to proper treatment processes or to junk dealers as well as segregation/sorting of materials and parts incapable of treatments with the treating equipment or facilities installed in the relevant treatment-entrusted factory which is in charge of or capable of treatment of discarded articles, valuable things to be segregated before shredding and the others...(col. 1, lines 35-43, emphasis added). Thus, the production activities recited in Applicants’ claims 19 and 26 are not equivalent to the treatment activities taught by Suzuki. The monitoring recited in Sziklai is directed to monitoring the execution of source reduction practices to comply with a requirement for annually reporting releases of toxic chemicals as prescribed by the Pollution Prevention Act of 1990 and is not related to the monitoring of production activities recited in Applicants’ claims 19 and 26 (col. 7, lines 13-32). Thus, the monitoring activities in Sziklai are not equivalent to the monitoring activities recited in Applicants’ claims 19 and 26.

Additionally, Suzuki nor Fahey nor Sziklai recite monitoring production of items produced by a *plurality of waste stream providers* (emphasis added). Suzuki, as

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described above, does not teach or recite monitoring production of items and is further restricted to a single enterprise operation. The Examiner has directed the Applicants' attention to col. 2, lines 58-63 in support of the notion that Suzuki teaches this limitation. Col. 2, lines 58-63 recites "not only the treatment procedures suited for the facilities of the individual factories can be carried out but also the proper and appropriate treatment of the discarded articles can be realized..." The Applicants respectfully disagree that this recitation relates to monitoring a plurality of waste stream providers. When taken in context with the entire cited art reference, the above-quoted disclosure teaches that the treatment procedures and information acquired by the Suzuki reference enable factories to identify the facilities best suited for performing the disposition treatments in order to prevent environmental pollution due to harmful waste disposal activities. Thus, Suzuki does not teach or disclose "monitoring a plurality of waste stream providers."

As with Suzuki, the Applicants submit that the Fahey reference is likewise directed to a single enterprise system. Fahey teaches a database management system that includes a data warehouse for storing and retrieving *enterprise-wide* activity based data related to a product family (emphasis added) (col. 1, lines 7-11). The cited reference is limited to applications directed to a single enterprise. Contrary to Fahey, the Applicants' invention is directed to matching purchasers (i.e., multiple enterprises) of reusable raw materials to waste stream providers (i.e., multiple enterprises) that generate these reusable raw materials as a bi-product of manufacturing. Thus, combining Suzuki with Fahey would not produce the results disclosed in the instant application.

Moreover, neither Suzuki, Fahey, nor Sziklai teach or recite a waste stream provider interface and communications link for communicating production information the waste stream providers to the waste stream monitoring module. Rather, Sziklai teaches an agent for surfing the Web and identifying "relevant regulatory and non-regulatory changes found on the Web that may affect a user's business" and further teaches an associated user interface (col. 9, lines 27-42). Thus, the user interface taught by Sziklai is not even remotely equivalent to the user interface recited in Applicants' claims 19 and 26.

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Further, none of Suzuki, Fahey, and Sziklai, alone or in combination, teaches or recites a reusable materials database in communication with the waste stream monitoring module, where the reusable materials database stores the amounts of reusable raw materials contained in the waste streams that are available for purchase. As indicated above, Suzuki recites a storage means that stores information concerning the factory facilities performing the treatment and its capabilities (col. 7, lines 1-22; col. 8, lines 41-44). The treatment procedure takes into consideration "the reuse of valuable things" so that "there can be provided less expensive treatment procedure, whereby effective treatment can be realized" (col. 13, lines 57-60). When read in context, the storage means recited in Suzuki purports to provide information concerning different treatments and factory capabilities for performing treatments in order to identify a preferred treatment type for a specific type of article of manufacture. Nothing in Suzuki indicates storing an *amount of reusable raw materials available for purchase* (emphasis added). Additionally, the market database recited in Suzuki recites storing "the price of the valuable things" (col. 16, lines 8-10). Again, if taken in context, the market database recited in Suzuki stores current market prices for valuable things which denotes an economic value assigned to the valuable things determined by the current marketplace. The current market value of an item does not equate with a purchase price. Also, without knowing the amount of available reusable raw materials, this value would not result in the pricing structure recited in the Applicants' invention (i.e., the amount of reusable raw materials available for purchase and an assigned purchase price).

Thus, neither Suzuki, Fahey, nor Sziklai teach or recite a purchase price associated with reusable raw materials or a user access interface and communications link for enabling a user to view the raw materials stored in the reusable materials database. The reusable raw materials database stores available raw materials received from a plurality of waste stream providers. Fahey recites a storage means. However, unlike the reusable materials database of the instant application, the database management system of


Fahy recites a storage means implementable by a single enterprise on an enterprise-wide basis (col. 3, lines 17-28; FIGs. 1A-1B).

Because the cited art references do not teach or disclose each and every element of Applicants' claims 19 and 26, the Applicants submit that claims 19 and 26 are patentable over the cited art. Assuming for the sake of argument that the cited art references do teach each of the elements of Applicants' claims 19 and 26, the Applicants submit that there is no suggestion or motivation in the references themselves to modify the reference or to combine reference teachings. None of the references contain any suggestion or motivation to one of ordinary skill in the art to modify or combine the references. Because there is no motivation to combine the references, the Applicants submit that claims 19 and 26 are patentable over the cited art references and are in condition for allowance. Claims 20-25 depend from what is an allowable claim 19. Claims 27-32 depend from what is an allowable claim 26. For at least these reasons, the Applicants submit that claims 20-25 and 27-32 are in condition for allowance. Reconsideration of the outstanding rejections of claims 19-32 is respectfully requested.

No new matter has been entered and no additional fees are believed to be required. However, if any fees are due with respect to this Amendment, please charge them to Deposit Account No. 06-1130 maintained by Applicants' attorneys.

Respectfully submitted,

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